

ORIGINAL

BEFORE THE CONTRACTORS BOARD

STATE OF IDAHO

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JUL 27 2009

In the Matter of the Registration of:)	
)	Case No. CON-2007-136
4-T ENTERPRISES LLC, dba)	
MEDALLION BUILDERS,)	FINDINGS OF FACT,
Registration No. RCE-7959,)	CONCLUSIONS OF LAW AND
)	RECOMMENDED ORDER
Respondent.)	
_____)	

Having reviewed the Complaint and other documents in this matter, the Hearing Officer hereby enters the following Findings of Fact, Conclusions of Law, and Recommended Order:

FINDINGS OF FACT

1. 4-T Enterprises LLC, dba Medallion Builders, (hereinafter "Respondent") is registered by the Idaho State Contractors Board (hereinafter "Board") under Registration No. RCE-7959 to engage in the practice of contracting..

2. On May 29, 2009, a formal administrative Complaint was filed in this matter with the Board. Said Complaint is expressly incorporated herein and made a part hereof.

3. Copies of the Complaint, along with the Notification of Procedural Rights, were sent to Respondent on May 29, 2009, by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail. The mailings were addressed to Respondent at its most recent address on file with the Board, as follows:

3911 N. 5th E.
Idaho Falls, ID 83401

4. The certified mail return receipt indicates that the copy of the Complaint sent by certified mail was received at Respondent's address on June 1, 2009. In addition,

the envelope containing a copy of the Complaint which was sent to Respondent by regular mail was not returned to the sending office.

5. The Notification of Procedural Rights informed Respondent that, under statutes and rules applicable to such proceedings before the Board, Respondent needed to file a formal Answer to the Complaint within twenty-one (21) days of service of the Complaint and that failure to timely file an Answer to the Complaint or otherwise defend against the action would constitute a default and would be sufficient grounds for proceeding administratively against Respondent's registration without the necessity of conducting a hearing.

6. On July 9, 2009 a Notice of Proposed Default Order and Default Order, along with another copy of the Complaint and Notification of Procedural Rights, were sent to Respondent by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail, at the following address:

4-T Enterprises LLC
dba Medallion Builders
3911 N. 5th E.
Idaho Falls, ID 83401

7. Respondent failed to contest entry of the proposed Default Order within seven (7) days of service of the Notice of Proposed Default Order.

8. Concurrent herewith, a Default Order was entered against Respondent. Therefore, the allegations contained in the Complaint on file in this matter are admitted as true without the necessity of conducting a hearing.

9. As detailed in the incorporated Complaint, Respondent, while a registered contractor, did do the following:

a. On May 23, 2006, the Bureau of Occupational Licenses was informed that Respondent's general liability insurance was canceled as of May 11, 2006.

b. Respondent failed to respond to an August 11, 2006 letter from the

Bureau of Occupational Licenses requesting proof of general liability insurance coverage.

c. Respondent submitted a Renewal Application for Registration No. RCE-7959 and answered "yes" to the questions: "Do you (or the named business entity) hold a current General Liability insurance policy providing coverage of not less than \$300,000 single limit?" Respondent signed an affidavit statement: "I hereby certify under penalty of perjury that my responses to each of the above and any that may be attached are true and correct."

d. Respondent failed to respond to a July 2, 2007, letter from the Bureau of Occupational Licenses requesting proof of general liability insurance coverage.

CONCLUSIONS OF LAW

1. As a registered contractor in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 52, Idaho Code.

2. The Complaint was sent to Respondent at the address on file with the Board. Respondent was duly and lawfully given notice of proceedings against its registration pursuant to the provisions of IDAPA 04.11.01.055.

3. Respondent's failure to plead or otherwise defend in this action authorizes the Board, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, to enter an Order of Default which is as lawful as if all the allegations in the Complaint were proved or admitted at a hearing.

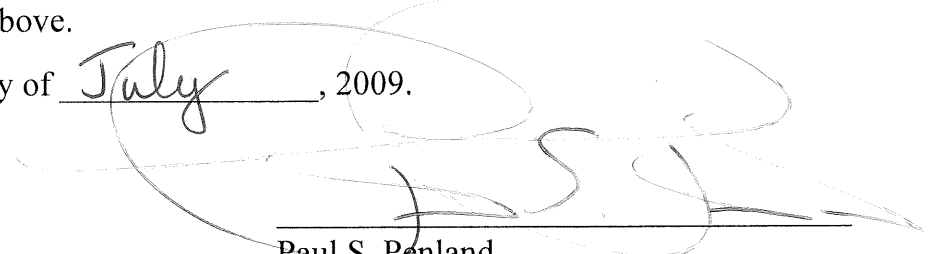
4. Respondent's acts as described in the Complaint constitute grounds for discipline against Respondent's registration to practice contracting under the laws governing the practice of contracting in the State of Idaho, specifically Idaho Code §§ 54-5210(1)(e) (contractors shall maintain general liability insurance covering construction operations in the sum of not less than \$300,000 single limit), 54-5215(2)(a) (Board has authority to impose discipline against a registered contractor for failure to keep current or provide insurance coverage as required by the Idaho Contractor Registration Act), and 54-5215(2)(c) (Board may discipline a contractor who employed fraud or deception, made a

misrepresentation or misstatement, or employed any unlawful means in applying for or securing registration as a contractor).

ORDER

Based upon the foregoing, it is the recommendation of the Hearing Officer that the Board take such action as it deems appropriate consistent with the Findings of Fact and Conclusions of Law stated above.

DATED this 23rd day of July, 2009.



Paul S. Penland
Hearing Officer

NOTICE OF DUE PROCESS RIGHTS

This is a recommended order of the Hearing Officer. It will not become final without action of the Board. Any party may file a petition for reconsideration of this recommended order with the Hearing Officer issuing the order within fourteen (14) days of the service date of this order. The Hearing Officer issuing this recommended order will dispose of any petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See* Idaho Code § 67-5243(3).

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of this recommended order and file briefs in support of the party's position on any issue in the proceeding.

Written briefs in support of or taking exceptions to the recommended order shall be filed with the Board. Opposing parties shall have twenty-one (21) days to respond. The Board may schedule oral argument in the matter before issuing a final order. The Board will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties and for good cause shown. The Board may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order.

CERTIFICATE OF SERVICE

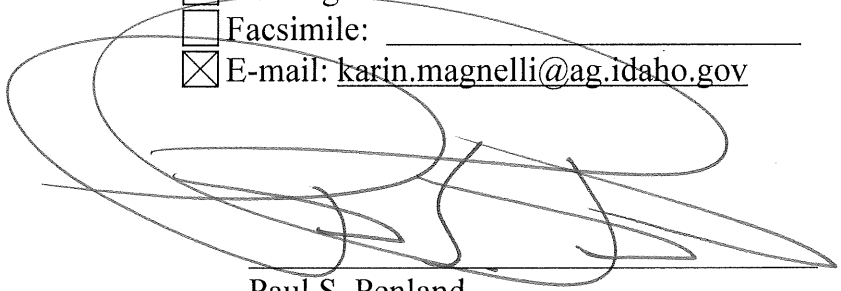
I HEREBY CERTIFY that on this 23rd day of July, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

4-T Enterprises LLC
dba Medallion Builders
3911 N. 5th E.
Idaho Falls, ID 83401

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____

Karin Magnelli
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ E-mail: karin.magnelli@ag.idaho.gov



Paul S. Penland
Hearing Officer